G. R. S. 58]

Previous references.

File No. 27-11

1911-12

Serial Nos. 1+2

(Legislation)

Later references.

Legis 30-12 1-5

13

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1+2

Part B for January 12

SUBJECT.

Special permission to shoot a bull-bison granted to messrs H.D. Middleton and J.S Mc. Coll.

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(1) From D.C. Hassan Dt. No. 221 dated 11-1-12. requesting the grant of special permission to messrs H.D. Middleton and J.S. Mc coll-

(2) To the D.M. Hassan Dt. Hq of Police and the Conserval of Forests no: J 2143-51 Legis 27-11-2. granting as a very special permission to shoot only 1. bull-bison which is reported to be dangerous.

D.M. Hassan Dt. 29-3-12

GPB—5,000—22-10-16

G.R.S. 11] 1911-12

GENERAL AND REVENUE SECRETARIAT.

(Legis)

NOTES.

File No. 27-1

FILE HEADING.

Special permission to shoot bull-bison

From The District Magistrate, Hassan

No. 2215 Dated 11/13/1/12 Received 16/1/12

Diary No.	Enclos. one Spare Copies.	Serial No. 1
f. 1812		

BRIEF ABSTRACT OF LETTER.

Requests permission to grant a special license to Messers H.D. Middleton and G.S. Inc. to Shoot a dangerous solitary bull-bison

NOTES AND ORDERS.

1 Submitted with a copy of the Game and Fish Reservation Regs and Rules thereunder.

Mr H.D. Middleton, representing the Coffee Planting Dalla Estate, represents that a dangerous solitary bull-bison charged ~~some~~ a couple of his shikaries who went into the forest to mark down game

NOTES—First Sheet.

GPB—30,000—12-8-11

Serial No.

that the fact that the bison kept circling round the head of the ravine and attacked the men a second time marks the bad bison down as a specially dangerous animal and that as the bull is an old one his being killed would in no way affect breeding. He therefore requests special sanction to shoot the animal. Mr. J. S. Lee Coll of the Cadamane estate has also made a similar request.

There is no provision either in the Regns or in the Rules enabling the Govt to grant licence as a special case to shoot any game the shooting of which has been ~~either~~ prohibited either absolutely or for a period. The only exception mentioned is that provided for by sec: 12 of the Regns whereby which runs as follows:- "Nothing in this Regn shall be deemed to prevent any owner or occupier of land from killing, capturing or pursuing game doing damage to any crop growing thereon, so far as the same

GPB—50,000—12-8-10

G. R. S. 12]
General and Revenue Secretariat.

Legis File No. 27 of 1911-12

Serial No.

may be necessary for the protection of crop." This section protects one who kills any game in contravention of this Reg^n or Rules thereunder for the protection of crop but it does not protect him if he kills it in protection of person under circumstances like the one now represented by the District Magistrate of Kadur.

~~(5 8) (11)~~
12/1/12 ~~17/1/12~~

Attention is also invited to clause 6 of the Bill to make better provision for the protection and preservation of certain wild animals birds and animals recently published in the Gazette of India of 13/1/12 Part V Page 1 which runs as follows:-

"Nothing in this Act shall be deemed to affect the capture or killing of a wild animal by any person in defence of himself or any other person, or to the capture or killing of any wild bird or animal in bona fide protection of a standing crop or growing fruit".

NOTE—Contn. sheet.

GPB—50,000—12-8-10

Serial No.

3 The protection ~~from~~ proposed to the person killing capturing or pursuing any animal or bird be afforded by this bill is greater than that afforded by sec: 12 of the Game Regn and therefore the Regulation may perhaps be suitably amended.

CB (S.S.) SN (J.J.)
17/1/12

4 Permission to shoot may perhaps be given under Sec 21 of the Forest Regulation, 1899. But this Section confers on Govt the power of varying or rescinding any order which it may have made under any ~~of~~ Regulation and this same power may be held to include the smaller power of ~~making an Exception~~ rescinding the order in a particular case.

5 If this view is approved, orders will be issued accordingly.

6 On the facts it may be stated that the animal seems to have been singled out in the forest by the Shikaris ~~Thakur Singh~~. However as it is said to be roaming about in a dangerous mood, the permission asked for may perhaps be granted.

7 The District Magistrate's remarks about the applicability of the Arms Act

GPB—50,000—12-8-10

Serial No.

do not seem to be in point, as the prohibition has been issued under the Game and Fish Preservation Regn which confers no Exemption of the kind reqd to by him]

18/1/12 S

2nd & 1st Cl.

8. I do not think that S. 21 of the Gen. Cl. Regns can allow for a dispensing power in individual cases. Still there is no harm in allowing this particular animal to be shot.

9. Whether we have a rule or not, a man would be quite within his rights & cannot be guilty of an offence if he shoots a protected wild (or

G. R. S. 12]
General and Revenue
Secretariat.

Legs File No. 27 of 1911-12

Serial No.	
	tame) animal to defend himself. If considered necessary S. 12 of the same Regn. may be amended as in Cl 8 of the new bill before the India Council.
	21/1/12
	22/1/12
	10 Special permission may be given to shoot the rogue bison referred to
	25/1/12
	11 Put up draft
	1/2
	Submitted with a draft order
	1328 Secy Govt
	27/1/12

Legs Mem. taken further action as regards amendment 27/1/12

27/1/12

NOTE—Contn. sheet.

GPB—50,000—12-8-10

G. R. S. 12]
General and Revenue
Secretariat.

Legis File No. 27 of 1911-12

Serial No.	
2	No J 2143 - 51 dated 30/1/12 to the Dt Magistrate Hassan Dt, the I.G. of Police and the conservator of Forests in Mysore. Permits the Dt Magistrate to issue the license as a very special case to shoot the particular solitary bison that is now reported to be dangerous.

NOTE— Contn. sheet.

GPB—50,000—12-8-10

Pages 27-11-1 Urgent

From P.R.W. Wetherall Esquire,
Deputy Commissioner,
District Magistrate
Hassan District.

To C.S. Balasundaram Iyer Esquire, B.A.,
Offg. Secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Departments,
BANGALORE.

Dated 11th January 1911.
Despatched 13th January 1911.
Received

General No. 221
No. S.

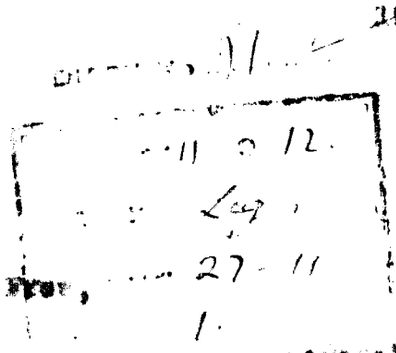
Enclosure No. one

SUBJECT.

Forwarding a copy of letter dated 4th instant received from Mr. H.D. Middleton and requesting to obtain order of Government in the matter of the Grant of Special permission to Mr. H.D. Middleton and Mr. J.S. McCall to Shoot the dangerous Solitary bull-bison.

GP S—150,000—20-6-11

1911-12.



Deputy Commissioner's Office,
Hassan District,
Dated Hassan the, 11th January 1912.

From,

Kettereill Esquire,
Deputy Commissioner, &
District Magistrate,
Hassan District.

To,

C.S.Balasubramania Iyer Esquire, B.A.,
Offg. Secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Department,
BANGALORE.

I have the honor to forward herewith for information Copy of letter dated 4th instant received from Mr. A.Douglas Middleton of Peppery Zellar Estate, Manjerabad Taluk, requesting Grant of Special permission to him to Shoot a dangerous Solitary bull-bison for reasons therein mentioned. Mr. J.S. McColl of Cadamane Estate has also applied for the same permission.

2. The Killing of even bull-bison is prohibited for a period of five years commencing from the date of issue of Government Notification No. J 288 dated 19th July 1911. Legs 34 10-8 But according to the provisions of Rule 18 framed under the Mysore Arms Regulation, any Magistrate of the District or Sub-Divisional Magistrate may Grant a license in Form VII to any person who requires arms for the destruction of wild

Animals

Animals which do injury to human beings, Cattle or Crops. Since Mr. H.D. Middleton and Mr. J.S. McColl are European British Subjects exempted from certain provisions of the Arms Regulation, he is not under the necessity of obtaining any license under the Arms Regulation, for the destruction of wild animals. Moreover, such a license would merely cover the Arms required for the purpose of destroying wild animals, and the above mentioned Rule under which it may be issued does not contemplate the grant of Special permission to shoot any Specified wild animal reported to be dangerous to human beings.

3. As the shooting of a bull-bison is prohibited for the period mentioned in the above quoted Government Notification, I request that you will be so good as to obtain and communicate to me the Early order of Government in the matter of grant of the permission applied for by Mr. H.D. Middleton and Mr. J.S. McColl, as it seems necessary to destroy the dangerous bull-bison in the circumstances mentioned by them.

I have the honor to be,
Sir
Your most Obedient Servant,
H.W. Wetherall
District Magistrate
Nassau

Enclos

Ans

Cuppany Tuller 3
Oakleapur
4th January 1912.

To.

D.R.W. Watterall Esquire,
Deputy Commissioner
Hassan District

Sir,

I have the honor to request you to grant me a renewal of my license to pursue Game in the Hassan District, for the current year.

Further, I shall be much obliged if you will attach to my license a Special permission to kill a dangerous Solitary bull-bison that charged a couple of my Shikaries, a short time ago, when I had sent them out to mark down Game. They were going through a small ravine, within about a quarter-of-a-mile of the Maneybede Estate boundary, when they walked on top of this bull lying down. The bull immediately came for them; but this alone is not surprising, on being disturbed at close quarters. But what marks him out as specially dangerous, is the fact that he actually circled round the head of the ravine and came for them again! Of Course, my men were quite unarmed and if, instead of

it

it being late in the day and therefore happening on him in the neighbourhood of trees, they had come across the bull in the early morning and in the open, the consequences would in all probability have been disasterous.

The bull is an old animal, with well worn tips to his horns and his destruction would in no way affect breeding in the herds, as he has evidently either been driven out by a younger and more vigorous rival, or else, left the herd on being wounded. In any case he has probably been wounded; otherwise, it is difficult to account for his being so savage.

If you give me the necessary permission, and I succeed in bagging the bull, I shall be very pleased to show the head as proof of my bona fides to any official in the local Kutcherry you choose to appoint.

I have etc.

Sd/ H. Douglas Middleton

C/f

Sd/ W. Wetherall

District Magistrate

Hasan

C.C.

Dcs

2 29/1/12 ab 5

G.R.S. 28]

Legis File No. 27-11
Serial No.

Diary No. of letter replied to J 1812

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
( )

, *the* 19

Date of issue 30.1.12

Signed by Mr. Shivagannaiya

READ— Letter No 221 dated 5 11th/13th January 1912 from the ~~Deputy Commissr~~ District Magistrate, Hassan District the ~~petitioner~~ asking requesting ~~orders of Government~~

ORDER THEREON.—No. for issuing a special license to ~~Messrs~~ Mr H. Douglas Middleton of Cuppeny Dallar Estate and Mr J.S. Incoll of Cadamane Estate to shoot a dangerous ~~the~~ solitary bull-bison that is

over.

SUBJECT.

Received town.
29/1 Secy

G.P.B.—10,000-29-9-10

wandering about and menacing
the people ~~of the Jungle~~ near Mr Hanneghede Estate boundary, Sakleshpur.

Order thereon.— No. J 2143 of Legis 27-11-2

Government are pleased
to permit the District
Magistrate, Hassan District
to issue the licence as a
very special case to shoot
only the particular solitary bull
bison that is now reported
to be dangerous ~~and ill.~~

for Offg. Secretary to Govt.

To

The District Magistrate, Hassan &c.
The Inspector General of Police in Mysore
The Conservator of Forests in Mysore